THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22808 of 2006

Dated:02.11.2006

Between
M/s.Venkateswara Oil Agency,
A Proprietary concern, IOC wholesale
Kerosene dealers, at plot No.4 & 5
Amnagal, Hayathnagar, Ranga Reddy
District rep., by its Proprietor
P.Chinnaiah

.....Petitioner

and

The Joint Collector (Civil Supplies)
Ranga Reddy District at Lakdkikapool
Hyderabad

…Respondent

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W.P.No.22808 of 2006

ORDER:

This writ petiton is filed seeking a Mandamus to declare the action of respondent in seizing the stock of kerosene and the oil tanker bearing registration No.ADT 6192 in connection with the case under Section 6-A of the Essential Commodities Act (for short 'the Act') on 31.10.2006, as arbitrary and illegal and consequently to direct respondent to release the seized stock and the oil tanker.

It appears that the petitioner is a proprietary concern, engaged in the business of wholesale distribution of kerosene in Ranga Reddy District. The dealership of Indian Oil Corporation was allotted in its favour in 1985 and it is carrying on

business by duly obtaining Form-B licence under the provisions of the A.P. Petroleum Products (Licencing and Regulation of Supplies) Order, 1980. While the matter stood thus, the petitioner has been distributing the kerosene as per the allotment made by the respondent for the month of October, 2006. In that process, on 30.10.2006, petitioner sent its oil tanker bearing No.ADT 6192 for distributing the kerosene to various dealers allotted to it in Ranga Reddy District. Having distributed the same till late night, the tanker driver has brought the oil tanker to Hayathnagar and at about 10.30 p.m., the tanker driver reached Autonagar enroute to Hayathnagar and found that the tanker tyre is punctured and as such, he stopped the vehicle on the main road opposite to Sri Vijaya Retrading Company and got the tyre repaired. Since it was already 11 'o' clock in the night, the driver parked the vehicle on the side of main road and locked the doors and went to his house, which is situated very near to that place. There is a stock of 7375 liters of kerosene in the

tanker for distribution of the same to the dealers. Further it is stated that the Assistant director of Civil Supplies, Hyderabad along with his staff on that day at about 11.30 in the night during his checking found the oil tanker of the petitioner was parked abutting the main road, seized the same, and thereafter summoned the driver from his house and kept the vehicle and driver in the custody of Vanasthalipuram Police Station as the time was already 12.30 in the night. Next day, ie., 31.10.2006, the inspecting officials along with others conducted panchanama and seized the stocks and initiated the proceedings under Section 6-A of the Act.

According to the petitioner, the very seizure of the oil tanker and stock therein, is illegal and arbitrary and proceedings under Section 6-A of the Act could not have been initiated against him.

Be that as it may, the only order that can be passed in this writ petition is to direct the respondent-Joint Collector, Civil Supplies, Ranga Reddy District to release the vehicle bearing

No.ADT 6192 and stocks of kerosene therein to the petitioner, for the purpose of distributing the same to the retailers, on furnishing bank guarantee for the value of goods.

Writ petition is disposed of accordingly. No costs.

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02-11-2006

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W.P.No.22808 of 2006

Operative portion by wire:

The only order that can be passed in this writ petition is to direct the respondent-Joint Collector, Civil Supplies, Ranga Reddy District to release the vehicle bearing No. ADT 6192 and stocks of kerosene therein, for the purpose of distributing the same to the retailers, on furnishing bank guarantee for the value of goods.

Writ petiton is disposed of accordingly. No costs.

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2-11-2006

Note:
After dispatch of the order,
the bundle be sent to the CM Section.
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